



# Department of Planning, Housing, & Community Development

**Mayor, Richard C. David**  
Director, Dr. Juliet Berling

## ***STAFF REPORT***

TO: Zoning Board of Appeals Members  
FROM: Planning, Housing and Community Development  
DATE: May 22, 2014  
SUBJECT: 18 Mason Avenue; Area Variance  
TAX ID #: 161.22-2-1  
CASE: 2015-09

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### **A. REVIEW REQUESTED**

The applicant, Clarence McKane, submitted an application for an Area variance to construct a porch with a 5' front yard setback, where 25' is the minimum, in an R-2 Residential One & Two Unit Dwelling District.

In granting an Area Variance, the Zoning Board of Appeals must weigh the benefit to the applicant if the variance is granted against the detriment to the health, safety, and welfare of the neighborhood or community by such a grant. The following must also be considered:

- (a). **Undesirable change**: Whether an undesirable change will be produced in the character of the neighborhood, or whether a detriment to nearby properties will be created;
- (b). **Reasonable alternative**: Whether the Applicant can achieve his goals via a reasonable alternative that does not involve the necessity of an area variance;
- (c). **Substantial request**: Whether the variance requested is substantial;
- (d). **Physical and Environmental Conditions**: Whether the requested variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district;
- (e). **Self-created hardship**: Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

## **B. SITE REVIEW**

The subject site is located on the east side of Mason Avenue, on an 8,100 square foot lot. There is a two-family structure currently on the lot. The proposed covered porch that will be constructed will project 10'ft off of the front of the house and have a 6'ft setback from the sidewalk. The porch will start at the front stairs and end at the southwestern corner of the house.

Land uses in the vicinity of the site consist primarily of owner-occupied single-family dwellings and two-family dwellings. The majority of the dwellings on the Mason Avenue between Burton Ave. and Court St. have covered porches and none meet the current front yard setback requirements.

## **C. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY**

None.

## **D. ENVIRONMENTAL IMPACT**

The applicant's proposal is a SEQR **Type II** Action. No further environmental review is required.

## **E. STAFF FINDINGS**

Planning Staff has made the following findings:

1. **The Zoning Board of Appeals must determine if the requested variance will produce an undesirable change in the character of the neighborhood.** The proposed action will not produce an undesirable change in the character of the neighborhood. Most of the neighboring properties have a covered porch attached to their structure.
2. **The Zoning Board of Appeals must determine if there are any reasonable alternatives to the proposed variances.**
3. **The Zoning Board of Appeals must determine if the proposed area variances are substantial.**
4. **The Zoning Board of Appeals must determine whether the alleged difficulty was self created.**

## **F. ENCLOSURES**

Enclosed is a copy of the plans, site photographs, and application.